

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
WILLIAM A. GROSS CONSTRUCTION ASSOCIATES,  
INC.,

Plaintiff,

- against -

AMERICAN MANUFACTURERS MUTUAL  
INSURANCE COMPANY,

Defendant.

-----X  
AMERICAN MANUFACTURERS MUTUAL  
INSURANCE COMPANY,

Third-Party Plaintiff,

-against-

CAULDWELL WINGATE COMPANY, LLC,

Third-Party Defendant.

-----X  
CAULDWELL WINGATE COMPANY, LLC,

Fourth-Party Plaintiff,

-against-

DORMITORY AUTHORITY OF THE STATE OF  
NEW YORK

Fourth-Party Defendant.

-----X

Caption continued on next page.

07-CV-10639 (LAK)(AJP)

**ANSWER OF FIFTH-  
PARTY DEFENDANT  
RAFAEL VINOLY  
ARCHITECTS, P.C.**

**JURY TRIAL DEMANDED**

-----X  
DORMITORY AUTHORITY OF THE STATE OF  
NEW YORK

Fourth-Party Plaintiff,

-against-

A. WILLIAMS TRUCKING & BACKHOE  
TRENCHING, INC., ASPRO MECHANICAL  
CONTRACTORS, INC., BEUBOIS CANADA, INC.  
BOVIS LEND LEASE LMB, INC., CNA SURETY  
CORPORATION d/b/a AMERICAN CASUALTY  
COMPANY OF READING, PA, DIERKS HEATING  
COMPANY, INC., ENCLOS CORPORATION, FIVE  
STAR ELECTRIC CORPORATION, FUTURE TECH  
CONSULTANTS OF NEW YORK, INC., HERITAGE AIR  
SYSTEMS, INC. HUGH O’KANE ELECTROC CO., LLC,  
MATERIALS TESTING LAB, INC., PYRAMID FIRE  
PROTECTION, INC., RAFAEL VINOLY  
ARCHITECTS, P.C., SMI-OWEN STEEL  
COMPANY, INC. STONEWALL CONTRACTING  
CORPORATION, TRACTEL LTD. SWINGSTAGE  
DIVISION,

Fifth Party Defendants.

-----X  
Fifth-Party Defendant RAFAEL VINOLY ARCHITECTS, P.C., (“RVA”) by its attorneys,  
Milber Makris Plousadis & Seiden, L.L.P., answers the Fifth-Party Complaint of DORMITORY  
AUTHORITY OF THE STATE OF NEW YORK, upon information and belief, as follows:

1. Denies the truth of those allegations in paragraph “1” of the Fifth-Party Complaint  
that pertain to RVA and denies having knowledge or information sufficient to form a belief as to the  
truth of the remaining allegations.

2. Denies the truth of those allegations in paragraph “2” of the Fifth-Party Complaint  
that pertain to RVA and denies having knowledge or information sufficient to form a belief as to the  
truth of the remaining allegations.

3. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “3” of the Fifth-Party Complaint and respectfully refers all questions of law to this Court.

4. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “4” of the Fifth-Party Complaint and respectfully refers all questions of law to this Court.

5. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “5” of the Fifth-Party Complaint.

6. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “6” of the Fifth-Party Complaint.

7. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “7” of the Fifth-Party Complaint.

8. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “8” of the Fifth-Party Complaint.

9. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “9” of the Fifth-Party Complaint.

10. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “10” of the Fifth-Party Complaint.

11. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “11” of the Fifth-Party Complaint.

12. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “12” of the Fifth-Party Complaint.

13. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “13” of the Fifth-Party Complaint.

14. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “14” of the Fifth-Party Complaint.

15. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “15” of the Fifth-Party Complaint.

16. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “16” of the Fifth-Party Complaint.

17. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “17” of the Fifth-Party Complaint.

18. Admits the allegations contained in paragraph “18” of the Fifth-Party Complaint.

19. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “19” of the Fifth-Party Complaint.

20. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “20” of the Fifth-Party Complaint.

21. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “21” of the Fifth-Party Complaint.

22. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “22” of the Fifth-Party Complaint.

23. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “23” of the Fifth-Party Complaint.

24. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “24” of the Fifth-Party Complaint.

25. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “25” of the Fifth-Party Complaint.

26. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “26” of the Fifth-Party Complaint.

27. Denies the allegations contained in paragraph “27” of the Fifth-Party Complaint, except admits that the City of New York contracted with a joint venture to provide certain professional services in connection with the design of the Bronx County Criminal Courthouse (“the Project”) and that RVA is a principal in that joint venture.

28. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “28” of the Fifth-Party Complaint.

29. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “29” of the Fifth-Party Complaint.

30. Denies the allegations contained in paragraph “30” of the Fifth-Party Complaint except admits that RVA was a principal in a joint venture that entered into a contract with the City of New York under which it agreed, *inter alia*, to provide certain professional services for the Project, that the contract amount was from time to time adjusted and that, upon information and belief, the City of New York subsequently assigned the contract to the Dormitory Authority of the State of New York.

31. Denies the allegations contained in paragraph “31” of the Fifth-Party Complaint.

32. Denies the allegations contained in paragraph “32” of the Fifth-Party Complaint.

33. Denies the allegations contained in paragraph “33” of the Fifth-Party Complaint.

34. Denies the allegations contained in paragraph “34” of the Fifth-Party Complaint.

35. Denies the allegations contained in paragraph “35” of the Fifth-Party Complaint.

36. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “36” of the Fifth-Party Complaint.

37. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “37” of the Fifth-Party Complaint.

38. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “38” of the Fifth-Party Complaint.

39. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “39” of the Fifth-Party Complaint.

40. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “40” of the Fifth-Party Complaint.

41. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “41” of the Fifth-Party Complaint.

42. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “42” of the Fifth-Party Complaint.

43. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “43” of the Fifth-Party Complaint.

44. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “44” of the Fifth-Party Complaint.

45. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “45” of the Fifth-Party Complaint.

46. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “46” of the Fifth-Party Complaint.

47. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “47” of the Fifth-Party Complaint.

48. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “48” of the Fifth-Party Complaint.

49. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “49” of the Fifth-Party Complaint.

50. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “50” of the Fifth-Party Complaint.

51. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “51” of the Fifth-Party Complaint.

52. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “52” of the Fifth-Party Complaint.

53. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “53” of the Fifth-Party Complaint.

54. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “54” of the Fifth-Party Complaint.

55. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “55” of the Fifth-Party Complaint.

56. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “56” of the Fifth-Party Complaint.

57. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “57” of the Fifth-Party Complaint.

58. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “58” of the Fifth-Party Complaint.

59. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “59” of the Fifth-Party Complaint.

60. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “60” of the Fifth-Party Complaint.

61. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “61” of the Fifth-Party Complaint.

62. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “62” of the Fifth-Party Complaint.

63. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “63” of the Fifth-Party Complaint.

64. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “64” of the Fifth-Party Complaint.

65. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “65” of the Fifth-Party Complaint.

66. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “66” of the Fifth-Party Complaint.

67. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “67” of the Fifth-Party Complaint.

68. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “68” of the Fifth-Party Complaint.

69. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “69” of the Fifth-Party Complaint.

70. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “70” of the Fifth-Party Complaint.

71. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “71” of the Fifth-Party Complaint.

72. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “72” of the Fifth-Party Complaint.

73. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “73” of the Fifth-Party Complaint.

74. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “74” of the Fifth-Party Complaint.

75. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “75” of the Fifth-Party Complaint.

76. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “76” of the Fifth-Party Complaint.

77. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “77” of the Fifth-Party Complaint.

78. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “78” of the Fifth-Party Complaint.

79. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “79” of the Fifth-Party Complaint.

80. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “80” of the Fifth-Party Complaint.

81. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “81” of the Fifth-Party Complaint.

82. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “82” of the Fifth-Party Complaint.

83. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “83” of the Fifth-Party Complaint.

84. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “84” of the Fifth-Party Complaint.

85. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “85” of the Fifth-Party Complaint.

86. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “86” of the Fifth-Party Complaint.

87. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “87” of the Fifth-Party Complaint.

88. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “88” of the Fifth-Party Complaint.

89. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “89” of the Fifth-Party Complaint.

90. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “90” of the Fifth-Party Complaint.

91. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “91” of the Fifth-Party Complaint.

92. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “92” of the Fifth-Party Complaint.

93. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “93” of the Fifth-Party Complaint.

94. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “94” of the Fifth-Party Complaint.

**AS AND FOR AN ANSWER TO THE FIRST CLAIM FOR RELIEF AGAINST  
DEFENDANT WILLIAMS**

95. RVA repeats and reiterates the answers to the allegations contained in Paragraphs “1” through “94” above as though herein fully set forth.

96. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “96” of the Fifth-Party Complaint.

97. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “97” of the Fifth-Party Complaint.

98. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “98” of the Fifth-Party Complaint.

99. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “99” of the Fifth-Party Complaint.

100. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “100” of the Fifth-Party Complaint.

**AS AND FOR AN ANSWER TO THE SECOND CLAIM FOR RELIEF AGAINST  
DEFENDANT WILLIAMS**

101. RVA repeats and reiterates the answers to the allegations contained in Paragraphs “1” through “100” above as though herein fully set forth.

102. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “102” of the Fifth-Party Complaint.

103. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “103” of the Fifth-Party Complaint.

104. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “104” of the Fifth-Party Complaint.

105. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “105” of the Fifth-Party Complaint.

**AS AND FOR AN ANSWER TO THE THIRD CLAIM FOR RELIEF AGAINST  
DEFENDANT WILLIAMS**

106. RVA repeats and reiterates the answers to the allegations contained in Paragraphs “1” through “105” above as though herein fully set forth.

107. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “107” of the Fifth-Party Complaint.

**AS AND FOR AN ANSWER TO THE FOURTH CLAIM FOR RELIEF  
AGAINST DEFENDANT ASPRO**

108. RVA repeats and reiterates the answers to the allegations contained in Paragraphs “1” through “107” above as though herein fully set forth.

109. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “109” of the Fifth-Party Complaint.

110. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “110” of the Fifth-Party Complaint.

111. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “111” of the Fifth-Party Complaint.

112. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “112” of the Fifth-Party Complaint.

113. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “113” of the Fifth-Party Complaint.

114. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “114” of the Fifth-Party Complaint.

**AS AND FOR AN ANSWER TO THE FIFTH CLAIM FOR RELIEF AGAINST  
DEFENDANT ASPRO**

115. RVA repeats and reiterates the answers to the allegations contained in Paragraphs “1” through “114” above as though herein fully set forth.

116. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “116” of the Fifth-Party Complaint.

117. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “117” of the Fifth-Party Complaint.

118. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “118” of the Fifth-Party Complaint.

119. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “119” of the Fifth-Party Complaint.

**AS AND FOR AN ANSWER TO THE SIXTH CLAIM FOR RELIEF AGAINST  
DEFENDANT ASPRO**

120. RVA repeats and reiterates the answers to the allegations contained in Paragraphs “1” through “119” above as though herein fully set forth.

121. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “121” of the Fifth-Party Complaint.

**AS AND FOR AN ANSWER TO THE SEVENTH CLAIM FOR RELIEF AGAINST  
DEFENDANT BEAUBOIS**

122. RVA repeats and reiterates the answers to the allegations contained in Paragraphs “1” through “121” above as though herein fully set forth.

123. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “123” of the Fifth-Party Complaint.

124. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “124” of the Fifth-Party Complaint.

125. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “125” of the Fifth-Party Complaint.

126. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “126” of the Fifth-Party Complaint.

127. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “127” of the Fifth-Party Complaint.

128. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “128” of the Fifth-Party Complaint.

**AS AND FOR AN ANSWER TO THE EIGHTH CLAIM FOR RELIEF AGAINST  
DEFENDANT BEAUBOIS**

129. RVA repeats and reiterates the answers to the allegations contained in Paragraphs “1” through “128” above as though herein fully set forth.

130. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “130” of the Fifth-Party Complaint.

131. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “131” of the Fifth-Party Complaint.

132. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “132” of the Fifth-Party Complaint.

133. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “133” of the Fifth-Party Complaint.

**AS AND FOR AN ANSWER TO THE NINTH CLAIM FOR RELIEF AGAINST  
DEFENDANT BEAUBOIS**

134. RVA repeats and reiterate the answers to the allegations contained in Paragraphs “1” through “133” above as though herein fully set forth.

135. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “135” of the Fifth-Party Complaint.

**AS AND FOR AN ANSWER TO THE TENTH CLAIM FOR RELIEF AGAINST  
DEFENDANT DIERKS**

136. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “135” of the Fifth-Party Complaint.

137. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “137” of the Fifth-Party Complaint.

138. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “138” of the Fifth-Party Complaint.

139. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “139” of the Fifth-Party Complaint.

140. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “140” of the Fifth-Party Complaint.

141. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “141” of the Fifth-Party Complaint.

**AS AND FOR AN ANSWER TO THE ELEVENTH CLAIM FOR RELIEF AGAINST  
DEFENDANT DIERKS**

142. RVA repeats and reiterate the answers to the allegations contained in Paragraphs “1” through “141” above as though herein fully set forth.

143. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “143” of the Fifth-Party Complaint.

144. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “144” of the Fifth-Party Complaint.

145. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “145” of the Fifth-Party Complaint.

146. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “146” of the Fifth-Party Complaint.

**AS AND FOR AN ANSWER TO THE TWELFTH CLAIM FOR RELIEF AGAINST  
DEFENDANT DIERKS**

147. RVA repeats and reiterate the answers to the allegations contained in Paragraphs “1” through “146” above as though herein fully set forth.

148. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “148” of the Fifth-Party Complaint.

**AS AND FOR AN ANSWER TO THE THIRTEENTH CLAIM FOR RELIEF AGAINST  
DEFENDANT ENCLOS**

149. RVA repeats and reiterate the answers to the allegations contained in Paragraphs “1” through “148” above as though herein fully set forth.

150. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “150” of the Fifth-Party Complaint.

151. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “151” of the Fifth-Party Complaint.

152. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “152” of the Fifth-Party Complaint.

153. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “153” of the Fifth-Party Complaint.

154. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “154” of the Fifth-Party Complaint.

**AS AND FOR AN ANSWER TO THE FOURTEENTH CLAIM FOR RELIEF AGAINST  
DEFENDANT ENCLOS**

155. RVA repeats and reiterate the answers to the allegations contained in Paragraphs “1” through “154” above as though herein fully set forth.

156. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “156” of the Fifth-Party Complaint.

**AS AND FOR AN ANSWER TO THE FIFTEENTH CLAIM FOR RELIEF AGAINST  
DEFENDANT FIVE STAR**

157. RVA repeats and reiterate the answers to the allegations contained in Paragraphs “1” through “156” above as though herein fully set forth.

158. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “158” of the Fifth-Party Complaint.

159. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “159” of the Fifth-Party Complaint.

160. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “160” of the Fifth-Party Complaint.

161. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “161” of the Fifth-Party Complaint.

162. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “162” of the Fifth-Party Complaint.

**AS AND FOR AN ANSWER TO THE SIXTEENTH CLAIM FOR RELIEF AGAINST  
DEFENDANT FIVE STAR**

163. RVA repeats and reiterate the answers to the allegations contained in Paragraphs “1” through “162” above as though herein fully set forth.

164. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “164” of the Fifth-Party Complaint.

165. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “165” of the Fifth-Party Complaint.

166. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “166” of the Fifth-Party Complaint.

167. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “167” of the Fifth-Party Complaint.

**AS AND FOR AN ANSWER TO THE SEVENTEENTH CLAIM FOR RELIEF  
AGAINST DEFENDANT FIVE STAR**

168. RVA repeats and reiterate the answers to the allegations contained in Paragraphs “1” through “167” above as though herein fully set forth.

169. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “169” of the Fifth-Party Complaint.

**AS AND FOR AN ANSWER TO THE EIGHTEENTH CLAIM FOR RELIEF AGAINST  
DEFENDANT HERITAGE**

170. RVA repeats and reiterate the answers to the allegations contained in Paragraphs “1” through “169” above as though herein fully set forth.

171. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “171” of the Fifth-Party Complaint.

172. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “172” of the Fifth-Party Complaint.

173. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “173” of the Fifth-Party Complaint.

174. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “174” of the Fifth-Party Complaint.

175. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “175” of the Fifth-Party Complaint.

**AS AND FOR AN ANSWER TO THE NINETEENTH CLAIM FOR RELIEF AGAINST  
DEFENDANT HERITAGE**

176. RVA repeats and reiterate the answers to the allegations contained in Paragraphs “1” through “175” above as though herein fully set forth.

177. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “177” of the Fifth-Party Complaint.

178. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “178” of the Fifth-Party Complaint.

179. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “179” of the Fifth-Party Complaint.

180. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “180” of the Fifth-Party Complaint.

**AS AND FOR AN ANSWER TO THE TWENTIETH CLAIM FOR RELIEF AGAINST  
DEFENDANT HERITAGE**

181. RVA repeats and reiterate the answers to the allegations contained in Paragraphs “1” through “180” above as though herein fully set forth.

182. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “182” of the Fifth-Party Complaint.

**AS AND FOR AN ANSWER TO THE TWENTY-FIRST CLAIM FOR RELIEF**  
**AGAINST DEFENDANT O'KANE**

183. RVA repeats and reiterate the answers to the allegations contained in Paragraphs "1" through "182" above as though herein fully set forth.

184. Denies having knowledge or Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "184" of the Fifth-Party Complaint.

185. Denies having knowledge or Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "185" of the Fifth-Party Complaint.

186. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "186" of the Fifth-Party Complaint.

187. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "187" of the Fifth-Party Complaint.

188. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "188" of the Fifth-Party Complaint.

**AS AND FOR AN ANSWER TO THE TWENTY-SECOND CLAIM FOR RELIEF**  
**AGAINST DEFENDANT O'KANE**

189. RVA repeats and reiterate the answers to the allegations contained in Paragraphs "1" through "188" above as though herein fully set forth.

190. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "190" of the Fifth-Party Complaint.

191. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "191" of the Fifth-Party Complaint.

192. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “192” of the Fifth-Party Complaint.

193. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “193” of the Fifth-Party Complaint.

**AS AND FOR AN ANSWER TO THE TWENTY-THIRD CLAIM FOR RELIEF  
AGAINST DEFENDANT O’KANE**

194. RVA repeats and reiterate the answers to the allegations contained in Paragraphs “1” through “193” above as though herein fully set forth.

195. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “195” of the Fifth-Party Complaint.

**AS AND FOR AN ANSWER TO THE TWENTY-FOURTH CLAIM FOR RELIEF  
AGAINST DEFENDANT PYRAMID**

196. RVA repeats and reiterate the answers to the allegations contained in Paragraphs “1” through “195” above as though herein fully set forth.

197. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “197” of the Fifth-Party Complaint.

198. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “198” of the Fifth-Party Complaint.

199. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “199” of the Fifth-Party Complaint.

200. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “200” of the Fifth-Party Complaint.

201. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “201” of the Fifth-Party Complaint.

**AS AND FOR AN ANSWER TO THE TWENTY-FIFTH CLAIM FOR RELIEF  
AGAINST DEFENDANT PYRAMID**

202. RVA repeats and reiterate the answers to the allegations contained in Paragraphs “1” through “201” above as though herein fully set forth.

203. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 203” of the Fifth-Party Complaint.

204. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “204” of the Fifth-Party Complaint.

205. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “205” of the Fifth-Party Complaint.

206. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “206” of the Fifth-Party Complaint.

**AS AND FOR AN ANSWER TO THE TWENTY-SIXTH CLAIM FOR RELIEF  
AGAINST DEFENDANT PYRAMID**

207. RVA repeats and reiterate the answers to the allegations contained in Paragraphs “1” through “206” above as though herein fully set forth.

208. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “208” of the Fifth-Party Complaint.

**AS AND FOR AN ANSWER TO THE TWENTY-SEVENTH CLAIM FOR RELIEF  
AGAINST DEFENDANT SMI-OWEN**

209. RVA repeats and reiterate the answers to the allegations contained in Paragraphs “1” through “208” above as though herein fully set forth.

210. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “210” of the Fifth-Party Complaint.

211. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “211” of the Fifth-Party Complaint.

212. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “212” of the Fifth-Party Complaint.

213. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “213” of the Fifth-Party Complaint.

214. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “214” of the Fifth-Party Complaint.

215. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “215” of the Fifth-Party Complaint.

**AS AND FOR AN ANSWER TO THE TWENTY-EIGHTH CLAIM FOR RELIEF**  
**AGAINST DEFENDANT SMI-OWEN**

216. RVA repeats and reiterate the answers to the allegations contained in Paragraphs “1” through “215” above as though herein fully set forth.

217. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “217” of the Fifth-Party Complaint.

218. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “218” of the Fifth-Party Complaint.

219. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “219” of the Fifth-Party Complaint.

220. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “220” of the Fifth-Party Complaint.

**AS AND FOR AN ANSWER TO THE TWENTY-NINTH CLAIM FOR RELIEF**  
**AGAINST DEFENDANT SMI-OWEN**

221. RVA repeats and reiterate the answers to the allegations contained in Paragraphs “1” through “220” above as though herein fully set forth.

222. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “222” of the Fifth-Party Complaint.

**AS AND FOR AN ANSWER TO THE THIRTIETH CLAIM FOR RELIEF AGAINST  
DEFENDANT CNA**

223. RVA repeats and reiterate the answers to the allegations contained in Paragraphs “1” through “222” above as though herein fully set forth.

224. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “224” of the Fifth-Party Complaint.

225. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “225” of the Fifth-Party Complaint.

226. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “226” of the Fifth-Party Complaint.

227. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “227” of the Fifth-Party Complaint.

228. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “228” of the Fifth-Party Complaint.

229. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “229” of the Fifth-Party Complaint.

**AS AND FOR AN ANSWER TO THE THIRTY-FIRST CLAIM FOR RELIEF AGAINST  
DEFENDANT CNA**

230. RVA repeats and reiterate the answers to the allegations contained in Paragraphs “1” through “229” above as though herein fully set forth.

231. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “231” of the Fifth-Party Complaint.

232. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “232” of the Fifth-Party Complaint.

233. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “233” of the Fifth-Party Complaint.

234. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “234” of the Fifth-Party Complaint.

**AS AND FOR AN ANSWER TO THE THIRTY-SECOND CLAIM FOR RELIEF  
AGAINST DEFENDANT CNA**

235. RVA repeats and reiterate the answers to the allegations contained in Paragraphs “1” through “234” above as though herein fully set forth.

236. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “236” of the Fifth-Party Complaint.

**AS AND FOR AN ANSWER TO THE THIRTY-THIRD CLAIM FOR RELIEF  
AGAINST DEFENDANT STONEWALL**

237. RVA repeats and reiterate the answers to the allegations contained in Paragraphs “1” through “236” above as though herein fully set forth.

238. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “238” of the Fifth-Party Complaint.

239. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “239” of the Fifth-Party Complaint.

240. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “240” of the Fifth-Party Complaint.

241. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “241” of the Fifth-Party Complaint.

242. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “242” of the Fifth-Party Complaint.

**AS AND FOR AN ANSWER TO THE THIRTY-FOURTH CLAIM FOR RELIEF  
AGAINST DEFENDANT STONEWALL**

243. RVA repeats and reiterate the answers to the allegations contained in Paragraphs “1” through “242” above as though herein fully set forth.

244. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “244” of the Fifth-Party Complaint.

245. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “245” of the Fifth-Party Complaint.

246. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “246” of the Fifth-Party Complaint.

247. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “247” of the Fifth-Party Complaint.

**AS AND FOR AN ANSWER TO THE THIRTY-FIFTH CLAIM FOR RELIEF AGAINST  
DEFENDANT STONEWALL**

248. RVA repeats and reiterate the answers to the allegations contained in Paragraphs “1” through “247” above as though herein fully set forth.

249. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “249” of the Fifth-Party Complaint.

**AS AND FOR AN ANSWER TO THE THIRTY-SIXTH CLAIM FOR RELIEF AGAINST  
DEFENDANT TRACTEL**

250. RVA repeats and reiterate the answers to the allegations contained in Paragraphs “1” through “249” above as though herein fully set forth.

251. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “251” of the Fifth-Party Complaint.

252. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “252” of the Fifth-Party Complaint.

253. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “253” of the Fifth-Party Complaint.

254. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “254” of the Fifth-Party Complaint.

255. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “255” of the Fifth-Party Complaint.

**AS AND FOR AN ANSWER TO THE THIRTY-SEVENTH CLAIM FOR RELIEF  
AGAINST DEFENDANT TRACTEL**

256. RVA repeats and reiterate the answers to the allegations contained in Paragraphs “1” through “255” above as though herein fully set forth.

257. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “257” of the Fifth-Party Complaint.

**AS AND FOR AN ANSWER TO THE THIRTY-EIGHTH CLAIM FOR RELIEF  
AGAINST DEFENDANT RVA**

258. RVA repeats and reiterate the answers to the allegations contained in Paragraphs “1” through “257” above as though herein fully set forth.

259. Denies the truth of the allegations contained in paragraph “259” of the Fifth-Party Complaint, except that a joint venture in which RVA was a member retained subconsultants in connection with the Project.

260. Denies the truth of the allegations contained in paragraph “260” of the Fifth-Party Complaint.

261. Denies the truth of the allegations contained in paragraph “261” of the Fifth-Party Complaint.

262. Denies the truth of the allegations contained in paragraph “262” of the Fifth-Party Complaint.

263. Denies the truth of the allegations contained in paragraph “263” of the Fifth-Party Complaint.

**AS AND FOR AN ANSWER TO THE THIRTY-NINTH CLAIM FOR RELIEF  
AGAINST DEFENDANT RVA**

264. RVA repeats and reiterate the answers to the allegations contained in Paragraphs “1” through “263” above as though herein fully set forth.

265. Denies the truth of the allegations contained in paragraph “265” of the Fifth-Party Complaint.

266. Denies the truth of the allegations contained in paragraph “266” of the Fifth-Party Complaint.

267. Denies the truth of the allegations contained in paragraph “267” of the Fifth-Party Complaint.

**AS AND FOR AN ANSWER TO THE FORTIETH CLAIM FOR RELIEF AGAINST  
DEFENDANT RVA**

268. RVA repeats and reiterate the answers to the allegations contained in Paragraphs “1” through “267” above as though herein fully set forth.

269. Denies the truth of the allegations contained in paragraph “269” of the Fifth-Party Complaint.

**AS AND FOR AN ANSWER TO THE FORTY-FIRST CLAIM FOR RELIEF AGAINST  
DEFENDANT BOVIS**

270. RVA repeats and reiterate the answers to the allegations contained in Paragraphs “1” through “269” above as though herein fully set forth.

271. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “271” of the Fifth-Party Complaint.

272. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “272” of the Fifth-Party Complaint.

273. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “273” of the Fifth-Party Complaint.

274. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “274” of the Fifth-Party Complaint.

275. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “275” of the Fifth-Party Complaint.

276. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “276” of the Fifth-Party Complaint.

**AS AND FOR AN ANSWER TO THE FORTY-SECOND CLAIM FOR RELIEF  
AGAINST DEFENDANT BOVIS**

277. RVA repeats and reiterate the answers to the allegations contained in Paragraphs “1” through “276” above as though herein fully set forth.

278. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “278” of the Fifth-Party Complaint.

**AS AND FOR AN ANSWER TO THE FORTY-THIRD CLAIM FOR RELIEF AGAINST  
DEFENDANT FUTURE TECH**

279. RVA repeats and reiterate the answers to the allegations contained in Paragraphs “1” through “278” above as though herein fully set forth.

280. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “280” of the Fifth-Party Complaint.

281. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “281” of the Fifth-Party Complaint.

282. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “282” of the Fifth-Party Complaint.

283. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “283” of the Fifth-Party Complaint.

**AS AND FOR AN ANSWER TO THE FORTY-FOURTH CLAIM FOR RELIEF  
AGAINST DEFENDANT FUTURE TECH**

284. RVA repeats and reiterate the answers to the allegations contained in Paragraphs “1” through “283” above as though herein fully set forth.

285. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “285” of the Fifth-Party Complaint.

**AS AND FOR AN ANSWER TO THE FORTY-FIFTH CLAIM FOR RELIEF AGAINST  
DEFENDANT MTL**

286. RVA repeats and reiterate the answers to the allegations contained in Paragraphs “1” through “285” above as though herein fully set forth.

287. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “287” of the Fifth-Party Complaint.

288. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “288” of the Fifth-Party Complaint.

289. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “289” of the Fifth-Party Complaint.

**AS AND FOR AN ANSWER TO THE FORTY-SIXTH CLAIM FOR RELIEF AGAINST DEFENDANT MTL**

290. RVA repeats and reiterate the answers to the allegations contained in Paragraphs “1” through “289” above as though herein fully set forth.

291. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “291” of the Fifth-Party Complaint.

**AS AND FOR A FIRST AFFIRMATIVE DEFENSE**

292. The Fifth-Party Complaint fails to state a cause of action against RVA as principal of a joint venture.

**AS AND FOR A SECOND AFFIRMATIVE DEFENSE**

293. The Fifth-Party Complaint fails to state a cause of action against RVA upon which relief can be granted.

**AS AND FOR A THIRD AFFIRMATIVE DEFENSE**

294. Plaintiff has failed to join parties necessary to afford complete relief for the damages alleged.

**AS AND FOR A FOURTH AFFIRMATIVE DEFENSE**

295. All injuries or damages allegedly sustained by Plaintiff, if any, were caused in whole or in part by the culpable conduct, negligence, carelessness or lack of care on the part Plaintiff and any recovery against RVA shall be diminished in proportion to Plaintiff’s relative wrongdoing, fault, misfeasance, malfeasance, failure to exercise due care and/or other culpable conduct.

**AS AND FOR A FIFTH AFFIRMATIVE DEFENSE**

296. Plaintiff's claims are barred by the applicable statute of limitations, laches or other limitations periods.

**AS AND FOR A SIXTH AFFIRMATIVE DEFENSE**

297. The liability of RVA, if any, to Plaintiff is limited to its equitable share to be determined in accordance with the relative culpability of all parties contributing to the alleged losses sustained, including parties not currently parties to this action.

**AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE**

298. The verified complaint is barred and should be dismissed by virtue of Plaintiff's failure to take reasonable steps to mitigate any damages.

**AS AND FOR A EIGHTH AFFIRMATIVE DEFENSE**

299. All injuries or damages allegedly sustained by Plaintiff, if any, as alleged in the complaint were caused in whole or in part by third parties over whom RVA exercised no supervision, direction, control or responsibility.

**AS AND FOR A NINTH AFFIRMATIVE DEFENSE**

300. All work performed by RVA was in accordance with the applicable custom and standard in the industry at all relevant times.

**AS AND FOR AN TENTH AFFIRMATIVE DEFENSE**

301. Any recovery had by Plaintiff against RVA shall be offset by any collateral source payments received by Plaintiff.

**AS AND FOR A ELEVENTH AFFIRMATIVE DEFENSE**

302. Plaintiffs assumed any and all risks incumbent upon adopting the systems installed.

**AS AND FOR A TWELVTH AFFIRMATIVE DEFENSE**

303. Fifth-Party Plaintiff is not entitled to recover by reason of its failure to take reasonable steps to mitigate their damages, if any.

**AS AND FOR AN THIRTEENTH AFFIRMATIVE DEFENSE**

304. Fifth-Party Plaintiff's claims must be dismissed by the doctrines of avoidable consequences, waiver, estoppel and/or laches.

**AS AND FOR A FOURTEENTH AFFIRMATIVE DEFENSE**

305. RVA is not a proper party to this action.

**AS AND FOR A FIFTEENTH AFFIRMATIVE DEFENSE**

306. There exists no proximate causation between any alleged acts or breach of duty by RVA and Fifth-Party Plaintiff's alleged damages.

**AS AND FOR A SIXTEENTH AFFIRMATIVE DEFENSE**

307. RVA did not have control or charge of and was not responsible for construction means, methods, techniques or procedures or for the acts or omissions of the contractor(s) or the failure of contractor(s) to carry out the work in performing work at the Project.

**AS AND FOR A FIRST CROSSCLAIM AGAINST WILLIAM A. GROSS  
CONSTRUCTION ASSOCIATES, INC., AMERICAN MANUFACTURERS MUTUAL  
INSURANCE COMPANY, CAULDWELL WINGATE COMPANY, LLC, A. WILLIAMS  
TRUCKING & BACKHOE TRENCHING, INC., ASPRO MECHANICAL  
CONTRACTORS, INC., BEUBOIS CANADA, INC., BOVIS LEND LEASE LMB, INC.,  
CNA SURETY CORPORATION d/b/a AMERICAN CASUALTY COMPANY OF  
READING, PA, DIERKS HEATING COMPANY, INC., ENCLOS CORPORATION,  
FIVE STAR ELECTRIC CORPORATION, FUTURE TECH CONSULTANTS OF NEW  
YORK, INC., HERITAGE AIR SYSTEMS, INC. HUGH O'KANE ELECTROC CO.,  
LLC, MATERIALS TESTING LAB, INC., PYRAMID FIRE PROTECTION, INC., SMI-  
OWEN STEEL COMPANY, INC. STONEWALL CONTRACTING CORPORATION,  
TRACTEL LTD. SWINGSTAGE DIVISION,  
TO WHICH AN ANSWER IS DEMANDED**

308. If the Fifth-Party Plaintiff sustained damages as alleged in the Fifth-Party Complaint by reason other than the Fifth-Party Plaintiff's careless, reckless, negligent and/or acts of omission or

commission, and/or if it is found that Fifth-Party Plaintiff is liable to any party to this action, all of which is specifically denied, then RVA is entitled to contractual and common law indemnification from the aforementioned parties based upon the careless, reckless, negligent, acts of omission or commission and/or breach of contract and/or breach of statute and/or gross negligence of the said parties.

**AS AND FOR A SECOND CROSSCLAIM AGAINST WILLIAM A. GROSS  
CONSTRUCTION ASSOCIATES, INC., AMERICAN MANUFACTURERS MUTUAL  
INSURANCE COMPANY, CAULDWELL WINGATE COMPANY, LLC, A. WILLIAMS  
TRUCKING & BACKHOE TRENCHING, INC., ASPRO MECHANICAL  
CONTRACTORS, INC., BEUBOIS CANADA, INC., BOVIS LEND LEASE LMB, INC.,  
CNA SURETY CORPORATION d/b/a AMERICAN CASUALTY COMPANY OF  
READING, PA, DIERKS HEATING COMPANY, INC., ENCLOS CORPORATION,  
FIVE STAR ELECTRIC CORPORATION, FUTURE TECH CONSULTANTS OF NEW  
YORK, INC., HERITAGE AIR SYSTEMS, INC. HUGH O'KANE ELECTROC CO.,  
LLC, MATERIALS TESTING LAB, INC., PYRAMID FIRE PROTECTION, INC., SMI-  
OWEN STEEL COMPANY, INC. STONEWALL CONTRACTING CORPORATION,  
TRACTEL LTD. SWINGSTAGE DIVISION,  
FOR WHICH AN ANSWER IS DEMANDED**

309. If it is found that RVA is liable to any parties herein, all of which is specifically denied, then by reason of the foregoing, the aforementioned parties shall be liable to RVA for contribution and indemnification on the basis of apportionment of responsibility for the alleged occurrence, and to pay for all or a part of any verdict or judgment against RVA.

**JURY DEMAND**

RVA hereby demands trial by jury.

WHEREFORE, Fifth-Party Defendant RAFAEL VINOLY ARCHITECTS, P.C.

demands judgment:

- (A) Dismissing the Fifth-Party Complaint or, alternatively,;
- (B) Awarding it Judgment in its favor on its Cross-Claims;
- (C) Awarding it the costs and disbursements of this action; and
- (D) Awarding it such other and further relief that this Court may deem just and proper.

Dated: White Plains, New York  
September , 2008

**MILBER MAKRIS PLOUSADIS  
& SEIDEN, LLP**

By: S/  
Mark Seiden (MS-0602)  
Leonardo D'Alessandro (LD-0648)  
Attorneys for Fifth-Party Defendant  
Rafael Vinoly Architects, P.C.  
3 Barker Avenue, 6<sup>th</sup> Floor  
White Plains, New York 10601  
(914) 681-8700